IFTA SHORT TRACK PRELIMINARY BALLOT PROPOSAL
#3-2020

Sponsor
IFTA, Inc. Board of Trustees

Date Submitted
May 18, 2020

Proposed Effective Date
September 1, 2020

Manual Sections to be Amended
(Article XVI, R1665 – NEW)

Subject
When Canada and the United States have declared national emergencies, the IFTA, Inc. Board of Trustees needs the authority to respond to a crisis by temporarily changing the requirements of IFTA governing documents. This response may include, but not be limited to, changing due dates of transmittals funding and the due dates for filing IFTA tax returns.

History/Digest
During the COVID-19 crisis, the need for flexibility within the IFTA community to quickly respond to member needs became apparent. Without express written authority in the Agreement, the IFTA, Inc. Board of Trustees could not provide relief from pending due dates and other requirements. The current ballot process requires a stringent and lengthy timeline, rather than the responsiveness needed during a crisis.

Intent
The intent of this Ballot is to add a provision to allow the IFTA, Inc. Board of Trustees to make temporary emergency amendments to the IFTA governing documents without a membership vote and without following the approved ballot process. The IFTA community’s need for responsiveness during times of national crisis requires that proper authority be granted to the Board of Trustees to alleviate certain IFTA requirements during declared national emergencies. This Ballot will authorize the Board to take any or all of the following actions:

- Extend IFTA carrier tax return due dates
• Change due dates for jurisdictions to remit data and funds to the repository
• Change dates on which funds will be disbursed to jurisdictions by the repository
• Allow extensions of other due dates, if deemed necessary
• Temporarily reduce audit requirements

The Board’s authority to temporarily amend the governing documents would be in effect only when the United States and Canada have both issued national emergency declarations.
R1665 TEMPORARY AMENDMENTS DURING NATIONAL DECLARED EMERGENCIES

In times of an official national declared emergency by both the United States and Canada, the IFTA, Inc. Board of Trustees has the authority to make temporary amendments to the IFTA governing documents without complying with the requirements set forth in R1605 – R1660.

.100 A National Declaration is defined as a national emergency proclamation issued to the public by the President of the United States and by the Prime Minister of Canada.

.200 The declared emergency must in some way affect or have the potential to affect jurisdiction operations with respect to IFTA returns processing, IFTA fuel use tax remittance processing, carrier operations related to IFTA returns processing or the need to amend certain sections of the governing documents to ensure that credentialing requirements do not impede the transportation of interjurisdiction commerce during the emergency declaration.

.300 The IFTA, Inc. Board of Trustees must hold a special meeting of Board members by conference call or other available means and a majority vote by the Board is required to approve any temporary amendments.

.400 Notice shall be given to membership of any temporary amendments approved by the Board at least 7 days before the temporary amendments become effective.

.500 The Board has the authority during the declared emergency to temporarily amend sections of any of the IFTA governing documents including the Articles of Agreement, the Procedures Manual, the Audit Manual and the Bylaws, in order to change due dates, grace periods, and other pending requirements during the national declared emergency.

.600 A temporary amendment means the Board may amend the IFTA governing documents for a set period of time corresponding to the time period and subsequent effects of the national emergency declaration on the processes listed in 1665.200. The Board shall specify the exact time period the temporary amendment is in place and the time period of the amendment(s) shall not exceed 12 consecutive months.